



PATENT
Customer No. 22,852
Attorney Docket No. 05725.0877

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
David W. CANNELL et al.) Group Art Unit: 1615
Application No.: 09/820,856) Examiner: J. Venkat
Filed: March 30, 2001) Notice of Allowance Dated: April 16, 2004
For: HEAT ACTIVATED DURABLE) **Mail Stop Issue Fee**
STYLING COMPOSITIONS)
COMPRISING C₁ TO C₂₂ Confirmation No.: 7050
SUBSTITUTED C₃-C₅
MONOSACCHARIDES AND
METHODS FOR SAME
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants thank the Examiner for the Notice of Allowability and Statement of Reasons for Allowance dated April 16, 2004. Without withdrawing the claims from issue, Applicants submit these comments to clarify the scope of the present claims.

In the Notice of Allowability, the Examiner provided a Statement of Reasons for Allowance in which U.S. Patent 6,486,105 "is cited to show the art." According to the Examiner:

The difference between the patent and the instant application is that the instant compounds are substituted monosaccharides and the monosaccharides in the patent are useful for treating keratin fibers where as the instant substituted monosaccharides are useful for durable non-permanent shaping or durable retention of non-permanent shape.

Applicants respectfully note that U.S. Patent 6,486,105 is owned by Applicants' assignee and has the same filing date as the present application, *i.e.*, March 30, 2001. Thus, the '105 patent is not prior art. Accordingly, Applicants respectfully traverse the Examiner's characterization of the state of the art by using the disclosure of the '105 patent.

Moreover, in the above passage, the Examiner characterizes "the difference" between the alleged art and the present claims. Applicants respectfully note that in the aggregate, the allowed claims have numerous limitations that distinguish it from the art. Thus, there is no single difference between the claimed invention and the art.

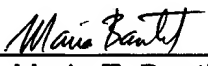
Accordingly, Applicants traverse the Examiner's statement regarding the present invention to the extent that the Examiner improperly characterizes the invention.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 8, 2004

By: 
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